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U. S. DEPARTMENT OF LABOR
Wage and Hour Division
Washington 25, D. C.

D-237

CHILD LABOR REGULATIONS AND ORDERS

(Code of Federal Regulations, Title 29, Chapter IV, Part 441, As Amended)

REGULATION NO. 3, AS AMENDED JAN. 25, 1950

ON

EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE

Sec. 441.0 DETERMINATION -- The employment of minors between 14 and 16 years of age in the occupations, for the periods, and under the conditions hereafter specified does not interfere with their schooling or with their health and well-being and shall not be deemed to be oppressive child labor.

Sec. 441.1 EFFECT OF THIS REGULATION -- In all occupations covered by this regulation the employment (including suffering or permitting to work) by an employer of minor employees between 14 and 16 years of age, for the periods and under the conditions hereafter specified shall not be deemed to be oppressive child labor within the meaning of the Fair Labor Standards Act of 1938.

Sec. 441.2 OCCUPATIONS -- This regulation shall apply to all occupations OTHER THAN the following:

- (a) Manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;
- (b) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;
- (c) The operation of motor vehicles or service as helpers on such vehicles;
- (d) Public-messenger service;
- (e) Occupations which the Secretary of Labor may, pursuant to section 3(l) of the Fair Labor Standards Act, and Reorganization Plan No. 2, issued pursuant to the Reorganization Act of 1945, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. (Paragraph (e) amended September 3, 1946, effective September 11, 1946, 11 F.R. 177A-346).

(f) Occupations in connection with

- (1) transportation of persons or property by rail, highway, air, water, pipeline, or other means;
- (2) warehousing and storage;
- (3) communications and public utilities;
- (4) construction (including demolition and repair);

except such office (including ticket office) work, or sales work, in connection with subdivisions (1), (2), (3), and (4) above, as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

Sec. 441.3 PERIODS AND CONDITIONS OF EMPLOYMENT -- Employment in any of the occupations to which this regulation is applicable shall be confined to the following periods:

- (a) Outside school hours;
- (b) Not more than 40 hours in any one week when school is not in session;

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- (c) Not more than 18 hours in any one week when school is in session;
- (d) Not more than 8 hours in any one day when school is not in session;
- (e) Not more than 3 hours in any one day when school is in session;
- (f) Between 7 a.m. and 7 p.m. in any one day. This period shall be measured by applicable standard time, except that it shall be measured by applicable daylight saving time whenever such time is adopted as the official time of the community.

Sec. 441.4 CERTIFICATES OF AGE, EFFECT -- The employment of any minor in any of the occupations to which this regulation is applicable, if confined to the periods specified in section 441.3, shall not be deemed to constitute oppressive child labor within the meaning of the Act if the employer shall have on file an unexpired certificate, issued in substantially the same manner as that provided for the issuance of certificates in part 401 relating to certificates of age * * * certifying that such minor is of an age between 14 and 16 years.

Sec. 441.5 EFFECT ON OTHER LAWS -- No provision of this regulation shall under any circumstances justify or be construed to permit non-compliance with the wage and hour provisions of the Act or with the provisions of any other Federal law or of any State law or municipal ordinance establishing higher standards than those established under this regulation.

Sec. 441.6 REVISION OF REGULATION -- Any person wishing a revision of any of the terms of this regulation may submit in writing to the Secretary of Labor a petition setting forth the changes desired and the reasons for proposing them. If, after consideration of the petition, the Secretary of Labor believes that reasonable cause for amendment of the regulation is set forth, he shall either schedule a hearing with due notice to interested parties or shall make other provision for affording interested parties an opportunity to be heard.

The effect of this regulation is to permit employment of minors 14 and 15 years of age, under the prescribed conditions, in occupations other than those listed in Section 441.2. In the occupations listed in this section, the general minimum age of 16 established under the act applies, except where it may be raised to 18 by Hazardous Occupations Orders.

As effective January 25, 1950, this regulation includes certain changes made to adapt it to the provisions of the Fair Labor Standards Amendments of 1949. These are contained in Subsection (f) of Section 441.2, which has been added to provide effective protection for children engaged in occupations newly covered by the child-labor provisions, and in Section 441.3, which has been changed so as to take account of the new exemption for employees engaged in the delivery of newspapers to the consumer.

The child-labor provisions of the act apply to any producer, manufacturer, or dealer who ships or delivers goods for shipment in interstate commerce, and to any employer who employs any minor in interstate commerce or in the production of goods for such commerce.